TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office

April 9, 1997 LB 806 LR 20

We'll hit another one of those issues state of Nebraska. with 806 this year. And in...what's that ...what that is trying to do is make that funding across the state of Nebraska equal in those school districts. It makes an attempt to do so, or that's the attempts that have been made to do so. And in large part that's been based on the ability to...those property-poor regions or those areas that don't have the property tax base that some of the other regions have, the statutory language has tried to balance those language. And that's similar to a case that went to court in Arkansas, and what they ruled was that those districts which are property poor in the absence of any relationship between disparity caused by the system and the need of the individual districts, that they went back on their equal protection clause and said that they had to go for the equality of those districts based on the equal protection clause, not the financing clauses in their statute. So it wasn't enough that their state statutes had this attempt at equality, so this type decision by a Supreme Court here in the state of Nebraska overrule, more than likely overrule, unless statutes exactly equal in those school considered those districts, they could overrule those...that statute and demand that it be equal. And that was the discussion on 411 and 412. It was not only an equality discussion, but it was a quality discussion in particular on 411 and 412. Some courts have gone ahead and made those decisions on their own, but as yet we've avoided a lot of that in Nebraska because of the simple language that we have in our financing clause in the state constitution. If we put in an equal protection clause in constitution in the state of Nebraska, it's not only possible but probably likely that someone could bring a case forward, say from a district that were upset that they weren't getting enough of those state tax dollars, that they felt that they weren't distributing these equally, and come ahead to the state of And right now we have that we will pay for that Nebraska. education, but if we put the equal protection language in, the courts could make a similar decision to saying that this statutory attempt wasn't enough, that we, because of our equal protection, had to equalize that, specifically equalize that in the state of Nebraska. I think it's better to have those types of policy decision or goals in statute where we are attempting to equalize school districts here in the state of Nebraska where it can be adjusted yearly it seems that we've been adjusting ...